

EXHIBIT E



**U.S. Immigration
and Customs
Enforcement**

January 24, 2014

VIA E-MAIL AND REGULAR U.S. POSTAL SERVICE

Ghita Schwarz
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

RE: OPLA14-1042, 2014FOIA3585

Dear Ms. Schwarz:

This is in response to your letter dated December 19, 2013, appealing the adverse determination by the U.S. Immigration and Customs Enforcement (ICE), Freedom of Information Act (FOIA) Office in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request. The initial request, dated November 25, 2013, asked for information regarding the Detention Bed Mandate and/or Detention Quota and its impact on detention policy and detention contracting decisions nation-wide from June 2006 through present, including: (1) copies of executed agreements related to detention facilities or detention beds between ICE and private prison corporations as well as local/state/city/municipal governments; (2) communications regarding contract renewal, supplemental agreements, addenda and riders; (3) copies of all regularly generated statistical reports on detention, enforcement prioritization, detained population and detention by geographic location; (4) copies of cumulative data on numerical payouts to private prison corporations by ICE or DHS; (5) reports and memoranda reporting on the Detention Bed Mandate and Detention-related Appropriations decisions to/from Secretary of Homeland Security; (6) records about releases from detention due to budget constraints or loss of funding; and (7) records related to three specific media releases.

ICE FOIA Office mailed you two acknowledgement letters which were both dated November 27, 2013. The first letter invoked a 10-day extension under 5 U.S.C. section 552(a)(6)(B) with respect to the processing of your request. The second letter informed you that your request was "too broad in scope or did not specifically identify the records [sought]," invited you to resubmit a perfected request, and informed you that your case would be administratively closed within 10 days from the date of the letter if ICE FOIA did not hear from you in the interim. Within your appeal you have enclosed: (1) evidence that both letters from ICE FOIA, dated November 27, 2013, were postmarked December 4, 2013; and (2) a copy of the December 10, 2013, email you sent to ICE FOIA inbox, requesting that your case not be administratively closed. In your appeal, you also state that you have had a telephonic conversation regarding your FOIA request on December 13, 2013, with an unnamed person from the ICE FOIA Office who stated that a supervisor was going to call you back, but that you never received the call-back. It appears that ICE FOIA Office

administratively closed your case on December 13, 2013. Finally, you argue both that your request was not too broad in scope and that your description of the documents/records requested was specific enough.

Upon review of the entire administrative record and your appeal letter dated December 19, 2013, we are denying in part and remanding in part the aforementioned appeal. Specifically, we are affirming the decision by ICE FOIA to deem your request overbroad in that it did not describe the records that you seek in enough detail to enable ICE personnel to locate them with a reasonable amount of effort, as required under 6 C.F.R. § 5.3(b). We are also reversing the decision of the ICE FOIA Office to administratively close your case.

This appeal will thus be remanded for ICE FOIA Office to reopen your case and contact you as soon as practicable regarding clarifying the scope of your request, consistent with this opinion.

Should you have any questions regarding this appeal remand, please contact ICE at ice-foia@dhs.gov. In the subject line of the email please include the word "appeal", your appeal number, which is **OPLA14-1042** and the FOIA case number, which is **2014FOIA3585**.

Sincerely,

A handwritten signature in black ink, appearing to be "Debbie Seguin", with a large, stylized loop at the end.

Debbie Seguin
Chief, Government Information Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security



**U.S. Immigration
and Customs
Enforcement**

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